



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

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Environmental  
Cleanup Office

February 4, 2010

Mr. Michael Sibley  
U.S. Environmental Protection Agency  
US EPA Region 10  
ECL-116  
1200 6th Avenue, Suite 900  
Seattle, WA 98101

**Re: Request for EPA to mitigate PCB contamination in the 24 inch Stormwater Line at Jorgensen Forge located at 8531 East Marginal Way South, Seattle, Washington.**

Dear Mr. Sibley,

The Washington State Department of Ecology (Ecology) requests that you mitigate the PCB contamination in the 24 inch stormwater line located at the Jorgensen Forge Corporation site.

The 24 inch stormwater line is contaminated with PCBs and other contaminants which pose a threat to the Lower Duwamish Waterway by causing environmental damage and posing a risk to human health.

Ecology is unable to accomplish the mitigation task primarily because:

- Current severe budget constraints
- The mitigation requires immediate action without being ensnarled in a legal battle

While Ecology has clear legal authority to compel Jorgensen Forge to clean up the 24 inch stormwater line it is likely that the process could take a long time. Ecology feels that Jorgensen Forge would tie this project up in legal arguments before they cooperated in a cleanup of the 24 inch line. They believe that the pollution in the 24 inch line came from the adjacent Boeing facility, and that are being unfairly asked to shoulder the burden of the cleanup. They could appeal as innocent purchasers or as the victims of third party actions as provided for under Chapter 70.105D RCW. Currently Ecology doesn't have the "credible evidence" required by Chapter 173-340 WAC to name Boeing as a PLP (same as PRP).

Ecology authority under water quality law is similarly limited because ownership of the stormwater line is unclear as is the list of its operators.

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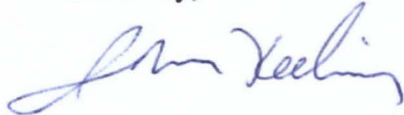


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Ecology Spills Program may have authority, but they currently do not have funds to take on a project as large as the 24 inch stormwater line. Thank you for your interest in assisting with the mitigation of this stormwater line. Please call me at (425) 649-7052 if you have any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Keeling", with a stylized, cursive script.

John Keeling  
Toxic Cleanup Program

cc: Louise Bardy, Ecology  
Ching-Pi Wang, Ecology  
Rick Thomas, Ecology  
Nels Johnson, AG

Enclosure (1)

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**Environmental  
Cleanup Office**

**List of Contacts:**

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